

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF PLATTSBURGH, NEW YORK**

December 18, 2014

5:30 P.M.

MINUTES

Present: Mayor James Calnon, Councilors Rachelle Armstrong (W1), Mike Kelly (W2), Dale Dowdle (W3), Paul O'Connell (W4), Becky Kasper (W5), Joshua Kretser (W6)

Absent: None

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the regular meeting of the Common Council held on December 4, 2014 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Kasper; Seconded by Councilor Kretser

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

2. PAYROLLS OF VARIOUS DEPARTMENTS:

RESOLVED: That the payrolls of the various Departments of the City of Plattsburgh for the weeks ending December 10, 2014 in the amount of \$ 369,755.51 and December 17, 2014 in the amount of \$ 287,050.21 are authorized and allowed and the Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Armstrong; Seconded by Councilor Dowdle

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Report of Fire and Ambulance Responses for the weeks of December 4 – December 17, 2014
- Report from the Building Inspector's office December 15, 2014
- Statement from the City Clerk's Office of all monies received during the month of November 2014 in the total amount of \$11,189.88
- Report of Public Hearing held by the Zoning Board of Appeals on December 15, 2014

RESOLVED: That the reports as listed are hereby ordered received and placed on file among the public records of the City Clerk's Office.

By Councilor O'Connell; Seconded by Councilor Dowdle

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

4. CORRESPONDENCE OR RECOMMENDATIONS FROM BOARDS: None

5. AUDIT OF CLAIMS:

RESOLVED: That the bills Audited by the Common Council for the weeks ending December 12, 2014 in the amount of \$ 4,985,524.90 and December 19, 2014 in the amount of \$ 1,143,673.24 are authorized and allowed and the Mayor and City Clerk are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Kelly; Seconded by Councilor Armstrong
Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

6. PERSONS ADDRESSING COUNCIL: None

7. OTHER ITEMS:

A. RESOLVED: In accordance with the request therefore the Common Council approves renaming South Platt Little League Field to Gerald Burdo Field.

By Councilor O'Connell; Seconded by Councilor Kelly
Discussion:

Councilor O'Connell stated non one he has known in his life deserved to have a field named after them more than Gerald Burdo. He coached Little League for over 30 years and had such an impact on many young lives.

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

B. RESOLVED: In accordance with the request therefore the Common Council approves the City Chamberlain to transfer \$5,000 from Finance Contract Services to Capital Fund Transfers within the 2014 General Fund Budget to provide for asbestos inspection and analysis costs for the City's property at 40 Bridge Street.

By Councilor Kretser; Seconded by Councilor Armstrong

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

C. RESOLVED: In accordance with the request therefore the Common Council approves the City Chamberlain to revise capital project H5110.47 “40 Bridge Street Remediation” to provide for asbestos inspection and analysis costs for the building on this City property.

By Councilor Armstrong; Seconded by Councilor O’Connell

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

D. RESOLVED: In accordance with the request therefore the Common Council approves the Municipal Lighting Department be permitted to proceed with the write-off of unpaid final bills for the period August 1, 2013 to September 30, 2013 in the amount of \$5,420.95. The percentage of write-offs for this period is .27%.

By Councilor Kretser; Seconded by Councilor Dowdle

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

E. RESOLVED: In accordance with the request therefore the Common Council approves Molly Van Ullen of the National Multiple Sclerosis Society to hold the MS Walk at US Oval on May 3, 2015.

By Councilor O’Connell; Seconded by Councilor Kelly

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

F. RESOLVED: In accordance with the request therefore the Common Council approves the City Chamberlain to revise the 2014 Water Fund Budget with a transfer of \$32,865 from the Purification Regular Payroll line to the Purification Capital Outlay line to provide for unbudgeted costs to purchase a replacement pick-up truck with a plow.

By Councilor Kasper; Seconded by Councilor Kretser

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

G. RESOLVED: In accordance with the request therefore the Common Council approves Sunrise Rotary and CVPH to establish a route from the CVPH entrance on Beekman Street, turning right on to Cornelia Street traveling up to the CVPH Cornelia Street entrance for a horse and wagon ride during a Winter Carnival on Saturday, February 21, 2015 from 11-3. The Rotary Organization is the Insurance holder.

By Councilor Kretser; Seconded by Councilor Kelly

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action:

H. RESOLVED: In accordance with the request therefore the Common Council approves that the City of Plattsburgh declares Thursday, January 1st from 12:00 AM until 11:59 PM as Plattsburgh Generosity Day, a day in which acts of generosity will be celebrated. It is during this holiday season, a time when many citizens give thanks for the bounty that we receive and go out of their way to help others, that acts of generosity and kindness will be applauded.

By Councilor Kelly; Seconded by Councilor Armstrong

Discussion:

Councilor Kelly explained why he brought this resolution and read the following quote from Mother Teresa. "There is a light in this world, a healing spirit more powerful than any darkness we may encounter. We sometimes lose sight of this force when there is suffering, too much pain. Then suddenly, the spirit will emerge through the lives of ordinary people who hear a call and answer in extraordinary ways."

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

I. RESOLVED: In accordance with the request therefore the Common Council approves a proposal from AES Northeast for "Margaret Street Pump Station Redundant Pumping Project" in the amount of \$49,752. The source of funds is capital project H8130.59.

By Councilor Kretser; Seconded by Councilor Dowdle

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

J. RESOLVED: In accordance with the request therefore the Common Council approves Change orders for Contract # 2014-14 "Champlain Valley Transportation Museum" to extend the completion date from December 31, 2014 to February 20, 2015.

By Councilor Kelly; Seconded by Councilor Kasper

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

K. RESOLVED: In accordance with the request therefore the Common Council approves the position of Assistant Superintendent of Public Works will be at range 13 step 9 on the management payscale.

By Councilor Kelly; Seconded by Councilor Kasper

Discussion:

Councilor O'Connell asked what that salary will be.

Superintendent of Public Works Mike Brodi said \$87, 420.

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

L. THE MAYOR HANDS DOWN THE PERMANENT APPOINTMENT OF ASSISTANT SUPERINTENDENT OF PUBLIC WORKS TO MICHAEL BESSETTE EFFECTIVE JANUARY 2, 2015 PENDING THE SUCCESSFUL COMPLETION OF A 26 WEEK PROBATIONARY PERIOD.

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

M. RESOLVED: In accordance with the request therefore the Common Council approves the adoption of a resolution approving the City of Plattsburgh's FOIL Policy and Procedures as set forth in a draft dated 12/16/14. The entire text of which has been distributed to and read by the members of the Common Council, is hereby enacted without the reading thereof and a copy of said policy is made part of the minutes of this meeting.

By Councilor Kasper; Seconded by Councilor Kretser

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

N. RESOLVED: The Common Council wishes to amend the Mayor's Budget for 2015 by an increase in the General Fund City Clerk Conferences appropriation by \$1,550.00 for training through conference attendance in 2015.

By Councilor O'Connell; Seconded by Councilor Kelly

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

[Requires 4 affirmative Council votes; Mayor cannot break tie.]

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

O. RESOLVED: The Common Council wishes to amend the Mayor's Budget for 2015 an increase in the General Fund Transfer Library appropriation by \$9,821.00 to restore the City's Library funding to the 2014 level, with a corresponding increase in the Library Fund Inter-fund General Fund estimated revenue of \$9,821 and corresponding increases to the Library Fund Other Equipment appropriation of \$5,000, the Library Fund Contract Services appropriation of \$3,021 and the Library Fund Debt Service appropriation of \$1,800.00, as approved by the Library Board of Directors.

By Councilor Armstrong; Seconded by Councilor Dowdle

Discussion:

Councilor O'Connell after discussion at the work session he will be in support of this.

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

[Requires 4 affirmative Council votes; Mayor cannot break tie.]

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

P. RESOLVED: The Common Council wishes to amend the Mayor's Budget for 2015 by an increase in the General Fund Human Resources Training/Education appropriation by \$8,150.00 for training in 2015.

By Councilor O'Connell; Seconded by Councilor Kretser

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

[Requires 4 affirmative Council votes; Mayor cannot break tie.]

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

Q. RESOLVED: The Common Council wishes to amend the Mayor's Budget for 2015 by an increase in the General Fund Building Inspector Regular Payroll appropriation by \$46,550.00 for adding a Municipal Code Inspector to the staff with corresponding increases to the General Fund Social Security appropriation of \$3,600.00 and to the General Fund Workers Compensation appropriation of \$400.00.

By Councilor Dowdle; Seconded by Councilor Kelly

Discussion:

Councilor Kasper would like to hold off on this until we have a more stable budget next year.

Councilor Armstrong said she concurred.

Councilor Dowdle said this is an allocation not necessarily to be used.

Mayor Calnon said it adds money to the budget but it does not create a position nor does it fill a position. The budget sets the ceiling for expenses but does not a floor.

Councilor Kelly mentioned we could add this to the budget at any time during the year.

Mayor Calnon said yes.

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

[Requires 4 affirmative Council votes; Mayor cannot break tie.]

(All voted in the negative)

ACTION TAKEN: Defeated

Follow up Action: None

R. RESOLVED: The Common Council wishes to amend the Mayor's Budget for 2015 an increase in the General Fund Building Inspector Motor Vehicle appropriation by \$22,000.00 for adding a vehicle for staff use with field work.

By Councilor Armstrong; Seconded by Councilor O'Connell

Discussion:

Councilor Dowdle asked where the \$22,000 figure is from.

Councilor Armstrong explained the decision was made to take that amount out of the capital plan and put it in the line item of the Building Inspector.

[Further discussion]

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

[Requires 4 affirmative Council votes; Mayor cannot break tie.]

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

S. RESOLVED: Councilor Armstrong proposes to amend the Mayor's Budget for 2015 by an increase in the General Fund Contingency appropriation by \$30,000 with a corresponding decrease to the General Fund Community Development Contract Services appropriation by \$30,000.

By Councilor Kasper; Seconded by Councilor Armstrong

Discussion:

Councilor Kasper thinks this is a good idea and gives them an opportunity to carefully review what is happening with the contracted services.

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

[Requires 4 affirmative Council votes; Mayor cannot break tie.]

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

T. RESOLVED: The Common Council wishes to amend the Mayor's Budget for 2015 by an increase in the General Fund Regular Payroll total appropriations by \$9,800.00 for a stipend of \$800.00 to be paid to each manager with corresponding increases to the General Fund Social Security appropriation of \$750.00 and to the General Fund Workers Compensation appropriation of \$250.00. (This cost is equivalent to a 1% increase in the 2015 payroll of each manager in the General Fund, but the stipend is a flat payment to each manager as opposed to a percentage increase in the managers' pay scale).

By Councilor Kasper; Seconded by Councilor Dowdle

Discussion:

Councilor Dowdle asked where the dollar figure came from?

Councilor Armstrong that was calculated with conversations with the Chamberlain and trying to figure out how to balance the figures and this was calculated in order to fairly distribute the rewards.

Mayor Calnon further explained.

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

[Requires 4 affirmative Council votes; Mayor cannot break tie.]

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

U. RESOLVED: The Common Council wishes to amend the Mayor's Budget for 2015 by an increase in the Rec Complex Fund Regular Payroll appropriation by \$1,600.00, by an increase in the Water Fund Regular Payroll appropriation by \$1,900.00, by an increase in the Sewer Fund Regular Payroll appropriation by \$2,700.00 and by an increase in the MLD Fund Regular Payroll appropriation of \$1,600.00 to pay an \$800.00 stipend to the managers in each of those funds. (This cost is equivalent to a 1% increase in the 2015 payroll of each manager in these funds, but the stipend is a flat payment to each manager as opposed to a percentage increase in the managers' pay scale).

By Councilor Kasper; Seconded by Councilor Armstrong
Discussion:

Councilor O'Connell asked for further explanation.

City Chamberlain Richard Marks explained.

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
[Requires 4 affirmative Council votes; Mayor cannot break tie.]
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

V. RESOLVED: Councilor Armstrong proposes to amend the Mayor's Budget for 2015 by eliminating non-essential Office Supply expenditures in all Departments funded by the General Fund. Supplies are considered "non-essential" if they are not essential to the operation of the office or are not an investment in the operations thereof.

By Councilor Armstrong; Seconded by Councilor Kelly
Discussion:

Councilor Kasper said I don't really know what this means.

Councilor Armstrong explained why she brought forward.

Councilor O'Connell doesn't know why we need council resolution.

[Further discussion]

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
[Requires 4 affirmative Council votes; Mayor cannot break tie.]

(Councilors Armstrong, Kelly, Dowdle, Kasper and Kretser voted in the affirmative. Councilor O'Connell voted in the negative)

ACTION TAKEN: Adopted

Follow up Action: None

W. RESOLVED: Councilor Armstrong proposes to amend the Mayor's Budget for 2015 by reducing by 1% the budgets of Police (\$45,000), Fire (\$31,000), Finance (\$7,000), and Public Works

(\$19,600). Council recommends that these cuts non-personnel lines; however, the reduction of personnel lines (unfilled positions), might be eliminated, if that is preferred.

By Councilor Armstrong; Seconded by Councilor Kasper
Discussion:

Councilor Armstrong explained why she brought forward.

Councilor Kasper can't support this.

[Further discussion]

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

[Requires 4 affirmative Council votes; Mayor cannot break tie.]

Councilors Kelly, Dowdle, O'Connell, Kasper and Kretser voted in the negative. Councilor Armstrong voted in the affirmative)

ACTION TAKEN: Defeated

Follow up Action: None

X. RESOLVED: The Common Council wishes to amend the Mayor's Budget for 2015 by accepting the amended Capital Projects Plan for 2015.

By Councilor Armstrong; Seconded by Councilor Dowdle

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

[Requires 4 affirmative Council votes; Mayor cannot break tie.]

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

8. TRAVEL REQUEST:

A. RESOLVED: In accordance with the request therefore the Common Council approves Environmental Manager Jon Ruff to attend "Utility Management Conference 2015" in Austin, Texas from February 18 – 20, 2015 at an estimated cost of \$1,949.

By Councilor Armstrong; Seconded by Councilor Kasper

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

9. RESOLUTIONS FOR INITIAL CONSIDERATION: None

10. NEW BUSINESS:

Councilor Armstrong spoke about a lot of officials in County contacted by a fierce advocate of accessibility. Seriously address her concerns in a timely fashion to expedite snow removal.

Councilor Kelly spoke about a conference he and Councilor Armstrong attended. And 9 months ago we voted to forbid fracking. Governor Cuomo announced ban on fracking.

Councilor Dowdle stated cars parked over sidewalks year round.

Councilor Armstrong asked how we were progressing on Charter Commission.

Mayor Calnon spoke about forming Charter Commission. Would like 12 members has 6.

The Council decided to hold a Special Meeting of the Common Council on Tuesday, December 23, 2014 at 5:30pm in the Chambers. The meeting will be publicized with the media, on the website and posted at City Hall.

Councilor O'Connell thanked the Department Heads.

Councilor Armstrong said yes thank you very much.

11. CLOSING PUBLIC COMMENTS:

Joe McMahon thanked the Mayor and Council for renaming South Platt Little League Field to Gerald Burdo Field on behalf of Kyle Burdo who wasn't able to stay for the end of the meeting.

Motion to Adjourn by Councilor O'Connell; Seconded by Councilor Dowdle
Roll call Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

MEETING ADJOURNED: 6:40 pm

City of Plattsburgh's FOIL Policy and Procedures

Section 1 Purpose and scope:

- (a) The people's right to know the process of government decision-making and the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy of confidentiality.
- (b) These regulations provide information concerning the procedures by which records may be obtained.
- (c) Personnel shall furnish to the public the information and records required by the Freedom of Information Law, as well as records otherwise available by law.
- (d) Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

Section 2 Designation of records access officer:

- (a) The City of Plattsburgh is responsible for insuring compliance with the regulations herein, and designates the following person(s) as records access officer(s):

Sylvia Parrotte, City Clerk
41 City Hall Place
Plattsburgh, NY 12901
parrottes@cityofplattsburgh-ny.gov
518-563-7702

- (b) The records access officer is responsible for insuring appropriate agency response to public requests for access to records. The designation of a records access officer shall not be construed to prohibit officials who have in the past been authorized to make records or information available to the public from continuing to do so.

The records access officer shall insure that agency personnel:

- (1) Maintain an up-to-date subject matter list.
- (2) Assist persons seeking records to identify the records sought, if necessary, and when appropriate, indicate the manner in which the records are filed, retrieved or generated to assist persons in reasonably describing records.
- (3) Contact persons seeking records when a request is voluminous or when locating the records involves substantial effort, so that personnel may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of records requested.
- (4) Upon locating the records, take one of the following actions:
 - (i) Make records available for inspection; or,
 - ii) Deny access to the records in whole or in part and explain in writing the reasons therefor.
- (5) Upon request for copies of records:
 - (i) Make a copy available upon payment or offer to pay established fees, if any, in accordance with Section 8; or,
 - ii) Permit the requester to copy those records.
- (6) Upon request, certify that a record is a true copy; and
- (7) Upon failure to locate records, certify that:
 - (i) The City of Plattsburgh is not the custodian for such records, or
 - ii) The records of which The City of Plattsburgh is a custodian cannot be found after diligent search.

Section 3 Location:

Records shall be available for public inspection and copying at:

City Clerk
City of Plattsburgh
41 City Hall Place
Plattsburgh, NY 12901

Section 4 Hours for public inspection:

Requests for public access to records shall be accepted and records produced during all hours regularly open for business.

These hours are:

Monday thru Friday 8am to 4pm excluding holidays and weekends.

Section 5 Requests for public access to records:

- (a) A written request may be required, but oral requests may be accepted when records are readily available.
- (b) If records are maintained on the internet, the requester shall be informed that the records are accessible via the internet and in printed form either on paper or other information storage medium.
- (c) A response shall be given within five business days of receipt of a request by:
 - (1) informing a person requesting records that the request or portion of the request does not reasonably describe the records sought, including direction, to the extent possible, that would enable that person to request records reasonably described;
 - (2) granting or denying access to records in whole or in part;
 - (3) acknowledging the receipt of a request in writing, including an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than twenty business days after the date of the acknowledgment, or if it is known that circumstances prevent disclosure within twenty business days from the date of such acknowledgment, providing a statement in writing indicating the reason for inability to grant the request within that time and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part; or
 - (4) if the receipt of request was acknowledged in writing and included an approximate date when the request would be granted in whole or in part within twenty business days of such acknowledgment, but circumstances prevent disclosure within that time, providing a statement in writing within twenty business days of such acknowledgment specifying the reason for the inability to do so and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part.
- (d) In determining a reasonable time for granting or denying a request under the circumstances of a request, personnel shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by the agency, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.
- (e) A failure to comply with the time limitations described herein shall constitute a denial of a request that may be appealed. Such failure shall include situations in which an officer or employee:
 - (1) fails to grant access to the records sought, deny access in writing or acknowledge the receipt of a request within five business days of the receipt of a request;
 - (2) acknowledges the receipt of a request within five business days but fails to furnish an approximate date when the request will be granted or denied in whole or in part;
 - (3) furnishes an acknowledgment of the receipt of a request within five business days with an approximate date for granting or denying access in whole or in part that is unreasonable under the circumstances of the request;
 - (4) fails to respond to a request within a reasonable time after the approximate date given or within twenty business days after the date of the acknowledgment of the receipt of a request;
 - (5) determines to grant a request in whole or in part within twenty business days of the acknowledgment of the receipt of a request, but fails to do so, unless the agency provides the reason for its inability to do so in writing and a date certain within which the request will be granted in whole or in part;
 - (6) does not grant a request in whole or in part within twenty business days of the acknowledgment of the receipt of a request and fails to provide the reason in writing explaining the inability to do so and a date certain by which the request will be granted in whole or in part; or
 - (7) responds to a request, stating that more than twenty business days is needed to grant or deny the request in whole or in part and provides a date certain within which that will be accomplished, but such date is unreasonable under the circumstances of the request.

Section 6 Subject matter list:

- (a) The records access officer shall maintain a reasonably detailed current list by subject matter of all records in its possession, whether or not records are available pursuant to subdivision two of Section eighty-seven of the Public Officers Law.
- (b) The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.
- (c) The subject matter list shall be updated annually. The most recent update shall appear on the first page of the subject matter list.

Section 7 Denial of access to records:

- (a) Denial of access to records shall be in writing stating the reason therefor and advising the requester of the right to appeal to the individual or body established to determine appeals, [who or which] shall be identified by name, title, business address and business phone number.
- (b) If requested records are not provided promptly, as required in Section 5 of these regulations, such failure shall also be deemed a denial of access.

(c) The following person or persons or body shall determine appeals regarding denial of access to records under the Freedom of Information Law:

James E. Calnon
Mayor, City of Plattsburgh
41 City Hall Place
Plattsburgh, NY 12901
518-563-7701

(d) Any person denied access to records may appeal within thirty days of a denial.

(e) The time for deciding an appeal by the individual or body designated to determine appeals shall commence upon receipt of a written appeal identifying:

(1) the date and location of requests for records;

(2) a description, to the extent possible, of the records that were denied; and

(3) the name and return address of the person denied access.

(f) A failure to determine an appeal within ten business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.

Section 8 Fees:

(a) There shall be no fee charged for:

(1) inspection of records;

(2) search for records; or

(3) any certification pursuant to this part.

(b) Copies may be provided without charging a fee.

(c) Fees for copies may be charged, provided that:

(1) the fee for copying records shall not exceed 25 cents per page for photocopies not exceeding 9 by 14 inches.

This section shall not be construed to mandate the raising of fees where agencies or municipalities in the past have charged less than 25 cents for such copies;

(2) the fee for photocopies of records in excess of 9 x 14 inches shall not exceed the actual cost of reproduction; or

(3) an agency has the authority to redact portions of a paper record and does so prior to disclosure of the record by making a photocopy from which the proper redactions are made.

(d) The fee an agency may charge for a copy of any other record is based on the actual cost of reproduction and may include only the following:

(1) an amount equal to the hourly salary attributed to the lowest paid employee who has the necessary skill required to prepare a copy of the requested record, but only when more than two hours of the employee's time is necessary to do so; and

(2) the actual cost of the storage devices or media provided to the person making the request in complying with such request; or

(3) the actual cost to the agency of engaging an outside professional service to prepare a copy of a record, but only when an agency's information technology equipment is inadequate to prepare a copy, and if such service is used to prepare the copy.

(e) When an agency has the ability to retrieve or extract a record or data maintained in a computer storage system with reasonable effort, or when doing so requires less employee time than engaging in manual retrieval or redactions from non-electronic records, the agency shall be required to retrieve or extract such record or data electronically. In such case, the agency may charge a fee in accordance with paragraph (d)(1) and (2) above.

(f) An agency shall inform a person requesting a record of the estimated cost of preparing a copy of the record if more than two hours of an agency employee's time is needed, or if it is necessary to retain an outside professional service to prepare a copy of the record.

(g) An agency may require that the fee for copying or reproducing a record be paid in advance of the preparation of such copy.

(h) An agency may waive a fee in whole or in part when making copies of records available.

Section 9 Public notice:

A notice containing the title or name and business address of the records access officers and appeals person or body and the location where records can be seen or copies shall be posted in a conspicuous location wherever records are kept and/or published in a local newspaper of general circulation.

Section 10 Severability: If any provision of these regulations or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances.

MODEL PUBLIC NOTICE

YOU HAVE A RIGHT TO SEE PUBLIC RECORDS

The amended Freedom of Information Law, which took effect on January 1, 1978, gives you the right of access to many public records.

The City of Plattsburgh has adopted regulations governing when, where, and how you can see public records.

The regulations can be seen at all places where records are kept. According to these regulations, records can be seen and copied at:

City Clerk's office
City of Plattsburgh
41 City Hall Place
Plattsburgh, NY 12901
518-563-7702

The following officials will help you to exercise your right to access:

1. Agency officials who have in the past been authorized to make records available
2. Records Access Officer(s)

Sylvia Parrotte
City Clerk
City of Plattsburgh
41 City Hall Place
Plattsburgh, NY 12901
518-563-7702

If you are denied access to a record, you may appeal to the following person(s) or body:

James E. Calnon
Mayor, City of Plattsburgh
41 City Hall Place
Plattsburgh, NY 12901
518-563-7701